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FM AMEMBASSY COLOMBO
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1294
INFO RUCNMEM/EU MEMBER STATES COLLECTIVE PRIORITY
RUEHKA/AMEMBASSY DHAKA PRIORITY 2414
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 9436
RUEHKT/AMEMBASSY KATHMANDU PRIORITY 7691
RUEHLO/AMEMBASSY LONDON PRIORITY 5442
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 3852
RUEHNY/AMEMBASSY OSLO PRIORITY 0028
RUEHOT/AMEMBASSY OTTAWA PRIORITY 0228
RUEHMD/AMEMBASSY MADRID PRIORITY 0179
RUEHKO/AMEMBASSY TOKYO PRIORITY 4491
RUEHCG/AMCONSUL CHENNAI PRIORITY 9996
RUEHBI/AMCONSUL MUMBAI PRIORITY 7231
RUEHON/AMCONSUL TORONTO PRIORITY 0223
RHEFDIA/DIA WASHINGTON DC PRIORITY
RUEHGV/USMISSION GENEVA PRIORITY 0134
RHHMUNA/HQ USPACOM HONOLULU HI PRIORITY
RUEHBS/USEU BRUSSELS PRIORITY
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 COLOMBO 000108

SIPDIS

DEPARTMENT FOR SCA/INSB

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TAGS: [PGOV](#) [PREL](#) [PREF](#) [PHUM](#) [PTER](#) [EAID](#) [MOPS](#) [CE](#)

SUBJECT: SRI LANKA HOT TOPICS: FONSEKA, BUDDHIST CRITICISM
OF GSL, ACCOUNTABILITY, PARLIAMENT DISSOLUTION

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Classified By: CHARGE D'AFFAIRES VALERIE C. FOWLER. REASONS: 1.4 (B, D
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11. (C) SUMMARY: On February 10, Charge met with the Foreign Secretary, who said that the Government of Sri Lanka (GSL) had acted with complete transparency when detaining Sarath Fonseka and that the U.S. statement of "concern" by the State Department spokesman was premature. He left the door open for an undetermined length of detention for Fonseka while an investigation continued and promised that other opposition leaders had nothing to fear. In other news, Parliament was dissolved, with the general election expected to take place on April 8. The head of the oldest and largest Buddhist sect in Sri Lanka -- and a hitherto staunch defender of President Rajapaksa -- shocked the country by saying on February 9 that it was a "grave crime" to imprison a war hero and that voters should throw out the responsible politicians at the next poll. The government announced that copies of vote tally sheets from the presidential election would not be released, and tear gas was reportedly used by police to break up a clash between government supporters and protesters calling for Fonseka's release. The Defense Secretary meanwhile appeared to soften his tone on war crimes investigations in a newspaper interview. END SUMMARY.

FOREIGN SECRETARY SAYS
NO CAUSE FOR CONCERN

12. (C) On February 10, Charge met with Foreign Secretary Romesh Jayasinghe to continue the conversation begun by A/S Blake on February 8 with the Sri Lankan Ambassador to the U.S., regarding the detention of Sarath Fonseka. Jayasinghe insisted that the government had undertaken this action in a completely transparent manner and according to long-standing Sri Lankan military regulations. He did not use the term "arrest" when describing Fonseka's detention but said that

Fonseka was under investigation for alleged charges violating clause 57 (1) of the Army Act and had been taken into detention to further that investigation. Jayasinghe declined to detail how long the investigation or any subsequent court action could be expected to last or how long Fonseka might be detained, responding simply that the Sri Lankan military system was very transparent and well-established and that the case would be handled within the parameters set up by the Army Act. When asked whether an appearance by someone serving in the military at a political campaign rally would be punishable under the Army Act, Jayasinghe hedged, saying the seriousness of the matter would be subject to a legal interpretation. (NOTE: Opposition supporters have complained that active duty uniformed military officers and personnel loyal to President Rajapaksa, including one of Rajapaksa's sons who is serving in the Navy, participated in campaign events with no apparent legal repercussions. END NOTE.)

13. (C) Jayasinghe maintained that other opposition leaders were not under threat by this investigation, and that civilians could never be the subject of a military justice investigation, which only applied to military and former military personnel. He also went on to clarify that any decision against a defendant in a military court martial could be appealed within the civil justice system, initially to the Appeals Court and even to the Supreme Court. Jayasinghe said he believed that A/S Crowley's February 8 statement to the media that the U.S. was concerned about Fonseka's detention was premature. (NOTE: Crowley expressed "concerns that any action be in accord with Sri Lankan law.") Jayasinghe contended that details were not usually available in the hours immediately after such a development and that it was now clear to all that the detention had been done in a

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completely transparent and open manner in accordance with Sri Lankan law.

ALL DETAINED FONSEKA
LOYALISTS ACCOUNTED FOR

14. (C) Post contacts outside of the government confirmed that all Fonseka loyalists who had been detained since the end of the presidential election had been accounted for, and most had received visits from independent monitors on February 9. Ministry of Defense Spokesman Keheliya Rambukwella stated on February 9 that the detainees had all been transferred to the Criminal Investigative Division (CID) for further inquiries.

PARLIAMENT DISSOLVED,
VOTE LIKELY ON APRIL 8

15. (C) As expected, the President dissolved parliament on the evening of February 9. The nomination period is expected to begin in about ten days and last for one week, with the election campaign period following. The election itself is likely to be held on April 8, just prior to the celebration of the Sri Lankan New Year the following week.

KEY BUDDHIST CLERIC DECRIES FONSEKA ARREST,
ACCUSES GOVERNMENT OF DECEIVING THE PEOPLE

16. (C) The Mahanayaka of the Malawatte Chapter (essentially the head of the oldest and largest Buddhist sect in Sri Lanka), Tibbotuwawe Sri Siddhartha Sumangala, shocked the country by saying on February 9 that it was a "grave crime" to imprison a war hero and by coming out strongly in defense of freedom of the press. Expressing his views during a meeting with the wife and children of missing journalist Pradeep Ekneligoda, the Buddhist prelate -- who had been a staunch defender of President Rajapaksa -- said the people's right to know the truth should be safeguarded and that

"depriving that right is not democracy." On Fonseka, he said that if the general had made some mistake, his service to the nation in defeating terrorism entitled him to be pardoned. He noted that the present political leaders came to visit him for advice but don't listen to what he says. The prelate said he had a pile of letters from poor people living in fear or even fleeing into the jungle because they had voted for Fonseka. He added, "What is the need of a leader who harasses poor people? When casting their vote, people should know not to send this sort of people to such positions."

NO COPIES OF
VOTE TALLY SHEETS

17. (C) After public complaints by the election monitoring group Campaign for Free and Fair Elections (CaFFE) that their repeated requests to see the carbon copies of the vote counting tally sheets from the January 26 election went unanswered, the government responded on February 10 that these copies would not be released to the public because there was "no need for that."

OPPOSITION PROTESTS

18. (C) Opposition supporters assembled at the Supreme Court Complex on February 10 to protest the arrest of General Fonseka. Government supporters also held a counter rally at

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the same location. The opposition supporters demanded Fonseka's release and burned life-sized posters of President Rajapaksa. A clash erupted when the two groups threw rocks at each other, at which point the police intervened and reportedly used tear gas twice to control the crowd. There were an estimated 3,000 total demonstrators, including both sides. Several were injured and taken to local hospitals. Late reports said police had also used tear gas on protesters in Galle, Ampara, and Matara.

DEFENSE SECRETARY SOFTENS
TONE ON ACCOUNTABILITY

19. (C) Defense Secretary Gotabhaya Rajapaksa seemed to soften his tone on calls for accountability over possible violations of international human rights. In an earlier interview with the BBC, the Defense Secretary had vigorously opposed any international investigation into possible violations. In a February 8 interview with the local Island newspaper, however, Rajapaksa said "no one would oppose a genuine investigation initiated by the international community" and that the Defense Ministry would take punitive action against any military personnel guilty of war crimes or criminal activity.

COMMENT

110. (C) The Foreign Secretary's clarification that Fonseka was under detention to further the investigation appears to reflect the government's consolidation of its position on his case, making sure they do not box themselves in with any procedural complexities. His arguments about the government's handling of the case with "complete transparency" resembled the government's response to the EU's report on the removal of GSP-plus preferential tariffs. In both instances, a strong statement was made that Sri Lankan laws did not allow for any misdeeds, and therefore nothing questionable could have happened.

111. (C) The Buddhist Mahanayaka's comments on Fonseka and the Rajapaksas came as a bombshell to Sri Lankans, already reeling from the news of the general's arrest. The prelate has been very pro-government, insisting to Ambassador during

her visit to Kandy last October that we work with the president and denying there were any problems between Sinhalese and Tamils lingering after the war. The Rajapaksas took steps to try to suppress news of his latest remarks, warning MTV not to do a breaking report, though the station went ahead and televised the Mahanayaka's remarks in their entirety during a regularly scheduled newscast. Roman Catholic Archbishop Malcolm Ranjith, who made very supportive remarks regarding the president during the campaign, also told us yesterday he was seeking a meeting with the president to warn him against further moves against Fonseka, which "could damage his presidency." Rajapaksa worked hard to court the favor of Sri Lankan religious leaders. We will be watching, together with Sri Lankans, whether the religious leaders' warnings now will help moderate the government's actions.

FOWLER